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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,171	11/25/2003	Katsutoshi Fukunaga	000409-070	4332

21839 7590 08/16/2005

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EXAMINER

ESTREMSKY, GARY WAYNE

ART UNIT PAPER NUMBER

3676

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/720,171	Applicant(s) FUKUNAGA ET AL.	
	Examiner Gary Estremsky	Art Unit .3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2005.  
 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-10 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 27 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings were received on 4/27/05. These drawings are approved.

### ***Claim Objections***

1. Claim 8 is objected to because of the following informalities: "from" in line 2 should be deleted to improve grammar. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear what geometry/arrangement is required by limitations of "inside relative the first shaft" and "outside relative the first shaft", particularly noting that 'as best understood', no elements have been provided inside of the shaft 30c.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4-8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,732,988 to Mizuki.

Mizuki '988 teaches Applicant's claim limitations including : an "opening operation member provided at he vehicle door outside of a compartment" – 34 where the inside of the door reads on "compartment", a "vehicle door lock apparatus" – 6, "inside of the compartment" – as recognized by one of ordinary skill in the art in view of the opening in the inner panel of the door for allowing passage of the striker, an "input member" – 14, "cable provided for transmitting the operating force" – 15 forms part of the transmission path for transmitting the operating force from the opening operation member to the input member and "extends downward from the opening operation member (where it is shown therebelow and extending further downwards) and downward from the door lock apparatus. Recitation of "extending downward from" is not so specific as to require a direct connection to but is interpreted broadly as defining a direction.

As regards claim 2, the end of the door reads on "inner cover".

As regards claim 4, the cable contacts bottom of the inside of the door and reads on limitation.

As regards claim 5, the outer sheath of the cable reads on broad limitation of "protecting member".

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As regards claim 6, the inner cable of 15 inherently functions as an electrical connector and reads on broad limitation of "wire harness".

As regards claim 7, the geometry/arrangement of the device of the prior art is the same as that disclosed where 'as best understood', that structure reads on the claimed invention.

3. Claims 1-3, 5, 6, and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,095,659 to Benoit.

Benoit '659 teaches Applicant's claim limitations including : an "opening operation member provided at he vehicle door outside of a compartment" – the handle arrangement illustrated at 53 in Fig 4 for example where the inside of the door reads on "compartment", a "vehicle door lock apparatus" – as shown and described, "inside of the compartment" – inside 65 as shown in Fig 5 and accordingly within the compartment at large, an "input member" – the latch member to which the handle operation Bowden cable is connected as shown in Fig 4, "cable provided for transmitting the operating force" – the handle operation Bowden cable as shown in Fig 4, "extending downward from both the opening operation member and the vehicle door lock apparatus" – as shown in Fig 4.

As regards claim 2, the wall portion of 65 is reasonably considered as part of the "door lock apparatus" as it is shown in fig 4 wherein the cable is connected to the latch "at the inner cover".

As regards claim 3, as shown in Fig's 2,6,7 for example.

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As regards claim 5, the structure provided at the cable end adjacent the latch reads on "protecting member" and the inner surface of 65 as it is shown there with the end structure connected thereto reads on "inner surface of the outer panel" noting there is no claim dependence with respect to claim 2.

As regards claim 6, the inner metal portion of the bowden cable inherently functions as an electrical connector and reads on broad limitation of "wire harness".

As regards claim 8, the bowed cable forms a shallow U-shape as would be viewed from outside of the vehicle.

As regards claim 11, recitation of "to support" does not patentably distinguish from the structure of the reference wherein fixing of the outer cable portion inherently provides at least some amount of support where it's noted that no particular structure is defined.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,732,988 to Mizuki in view of 5,095,659 to Benoit.

Although Mizuki '988 does not disclose structural details of the opening operation member (handle), handles having the claimed structure are well known in the art, as

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shown by Benoit '659 for example (see Fig 4 for example). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the arrangement of Mizuki '988 with a rotatable handle as disclosed by Benoit '659. Benoit '659 discloses a handle arrangement including 53,55 (Fig 4) having portions that are provided on the outside of the door and portions that are fixed to an inner surface of the outer panel as should be recognized by structure shown in Fig's 2,6,7 for example. The outer sheath of the Bowden cable inherently provides some amount of "support" where that limitation is broad and has not defined a particular connection, arrangement, or geometry of the claimed elements that might be relied upon to patentably distinguish from the structure of the prior art.

As regards claim 10, the handle of Benoit '659 is shown to be rotatably mounted on a shaft (its end shown in Fig 6) extending into the page of that figure where that direction reads on recitation of "thickness direction".

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,095,659 to Benoit in view of 5,732,988 to Mizuki.

Although Benoit '659 does not disclose details of the latch bolt, it would have been obvious to one of ordinary skill in the art to provide a latch mechanism having a pivotal latch bolt mounted on a shaft as taught by Mizuki '988 to latchingly engage the striker as well known in the art where one of ordinary skill in the art would recognize that latchbolts such as that of Mizuki '988 are well known in the art and such arrangement would not otherwise affect the function of the device disclosed by Benoit '659 whereby

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one of ordinary skill in the art would have more than a reasonable expectation of success.

### ***Response to Arguments***

7. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. While the drawings including amendment to show direction vectors have been approved, further limitation is not properly imported to recitation of 'thickness direction' without further definition of that direction relative to claim structure(s).

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,779,372 to Arlt.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any



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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Estremsky whose telephone number is 571 272-7055. The examiner can normally be reached on M-Thur 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gary Estremsky  
Primary Examiner  
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